REMARKS

Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow.

Claim 21 is currently being amended. No claims are being added. No new matter was added. No claims are being cancelled. Claims 1-6 and 17-24 are now pending in this Application.

A detailed listing of all claims that are, or were, in the Application, irrespective of whether the claim(s) remain under examination in the Application, is presented, with an appropriate defined status identifier.

For simplicity and clarity purposes in responding to the Office Action, Applicants' remarks are primarily focused on the rejections of the independent claims (i.e. 1, 17, and 21) outlined in the Office Action with the understanding that the dependent claims that depend from the independent claims are patentable for at least the same reasons (and other reasons) that the independent claims are patentable. Applicants expressly reserve the right to argue the patentability of the dependent claims separately in any future proceedings.

35 U.S.C. § 112 Rejections

On page 2 of the Office Action, Claims 21-24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicants have amended Claim 21 to include the limitations of "the first processor encodes and encapsulates a data, a data source, and a destination address to generate an encrypted outbound packet." Since Claim 21 complies with 35 U.S.C. § 112, dependent Claims 22-24 comply with 35 U.S.C. § 112. The Applicants respectfully request withdrawal of the rejections of Claims 21-24 under 35 U.S.C. § 112.

35 U.S.C. § 103 Rejections

On pages 3-8 of the Office Action, Claims 1-4, 17, 18, and 20 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,041,035 ("Thedens") in view of U.S. Patent No. 5,075,884 ("Sherman"). Claim 5 was rejected under 35 U.S.C. §103 as being unpatentable over Thedens, Sherman, and in view of U.S. SIR Reg. No. H1,836 ("Fletcher"). Claims 6 and 19 were rejected under 35 U.S.C. §103 as being unpatentable over Thedens, Sherman, and in view of U.S. Patent No. 5,960,344 ("Mahany"). Claims 21, 22, and 24 were rejected under 35 U.S.C. §103 as being unpatentable over Thedens, Sherman, and in view of U.S. Patent Application Publication No. 2002/0163920 ("Walker"). Claim 23 was rejected under 35 U.S.C. §103 as being unpatentable over Thedens, Sherman, Walker, and in view of Mahany. Applicants respectfully submit that these references, alone or in combination, do not render obvious that which is recited in Claims 1-6 and 17-24.

Independent Claim 1

The all claim limitations standard must be complied with to establish a *prima facie* basis to deny patentability to a claimed invention under 35 U.S.C. § 103. The Applicants respectfully submit that the all claim limitations standard has not been met which will be detailed below.

Independent Claim 1 includes the limitations of "the encoded information is not decodable by another processor of the second set of more than one processors corresponding to a different security level."

Thedens relates to an "open system module electronics architecture" (Thedens, Title). Sherman relates to "[a] computer workstation having a window output display for potential use in security-sensitive environments provid[ing] multilevel security by **physical isolation of processes in predefined security levels**." (Sherman, Abstract). *Emphasis added.*

In the combination of Thedens and Sherman, the Examiner relies on Sherman for the claim limitations of "the encoded information is not decodable by another processor of the second set of more than one processors corresponding to a different security level."

Sherman teaches away from encoding the information to be not decodable by another processor by stating "[t]he invention does not compromise security by mixing a software-based security environment … [a]ll security is hardware-based." (Sherman, Abstract). Sherman does not disclose, teach, or suggest a system where "the encoded information is not decodable by another processor … corresponding to a different security level." In other words, if the encoded information was received by the another processor corresponding to a different security level, the another processor corresponding to a different security level would not be able to decode the encoded information. The Sherman reference relies on physical isolation which is further supported by the "system demands that processes at different security levels be isolated from each other." (Sherman, col. 1, lines 53-55).

Sherman "prevent[s] communication between TCBs of non-equivalent security levels" by "physical isolation". (Sherman, col. 1, lines 53-55 and col. 4, lines 40-41). However, the information transmitted between TCBs can be decoded by processors assigned to different security levels because information may flow between a "node of a lower security to a node of a higher security" based on a "need to know". (Sherman, col. 4, lines 47-50). Therefore, a processor at a first security level can decode data that has a second security level protection.

Since the Sherman reference has a processor at a first security level being able to decode data with a second security level protection, the combination of Thedens and Sherman does not disclose, teach, or suggest a multi-channel radio where "the encoded information is not decodable by another processor of the second set of more than one processors corresponding to a different security level."

Fletcher, Mahany, and Walker do not cure the deficiencies noted above with respect to the combination of Thedens and Sherman.

If the Examiner maintains the rejections of the claims under 35 U.S.C. § 103, the Applicants respectfully request clarification on how the cited sections of the references disclose, teach, or suggest the above-mentioned claim limitations and that the Examiner provide a more detailed reasoning to support the legal conclusion of obviousness. *See* KSR Int'l v. Teleflex, 550 U.S. 398, 127 S.Ct. 1727, 1738 (2007) ("[T]here must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.")(citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Accordingly, the Applicants request withdrawal of the rejections of Claims 1-6 under 35 U.S.C. § 103(a). See 35 U.S.C. § 112 ¶ 4.

Independent Claim 17

The all claim limitations standard must be complied with to establish a *prima facie* basis to deny patentability to a claimed invention under 35 U.S.C. § 103. The Applicants respectfully submit that the all claim limitations standard has not been met which will be detailed below.

Independent Claim 17 includes the limitations of "a transform circuit," "the encoded data being able to be decoded by processors assigned to the first channel, [and] the encoded data is further not able to be decoded by processors assigned to a second channel."

Thedens relates to an "open system module electronics architecture" (Thedens, Title). Sherman relates to "[a] computer workstation having a window output display for potential use in security-sensitive environments provid[ing] multilevel security by **physical isolation of processes in predefined security levels**." (Sherman, Abstract). *Emphasis added.*

In the combination of Thedens and Sherman, the Examiner relies on Sherman for the claim limitations of "a transform circuit," "the encoded data being able to be decoded by processors assigned to the first channel, [and] the encoded data is further not able to be decoded by processors assigned to a second channel."

Sherman does not disclose, teach, or suggest a transform circuit which provides encoded data which is not able to be decoded by certain processors.

Sherman teaches away from encoding the information to be not decodable by another processor by stating "[t]he invention does not compromise security by mixing a software-based security environment … [a]ll security is hardware-based." (Sherman, Abstract). Sherman does not disclose, teach, or suggest a system where "the encoded information is not decodable by another processor … corresponding to a different security level." In other words, if the encoded information was received by the another processor corresponding to a different security level, the another processor corresponding to a different security level would not be able to decode the encoded information. The Sherman reference relies on physical isolation which is further supported by the "system demands that processes at different security levels be isolated from each other." (Sherman, col. 1, lines 53-55).

Sherman "prevent[s] communication between TCBs of non-equivalent security levels" by "physical isolation". (Sherman, col. 1, lines 53-55 and col. 4, lines 40-41). However, the information transmitted between TCBs can be decoded by processors assigned to different security levels because information may flow between a "node of a lower security to a node of a higher security" based on a "need to know". (Sherman, col. 4, lines 47-50). Therefore, a processor at a first security level can decode data that has a second security level protection.

Since the Sherman reference has a processor at a first security level being able to decode data with a second security level protection, the combination of Thedens and Sherman does not disclose, teach, or suggest a multi-channel radio including "a transform circuit" where "the encoded data [is] able to be decoded by processors assigned to the first channel, [and] the encoded data is further not able to be decoded by processors assigned to a second channel."

Fletcher, Mahany, and Walker do not cure the deficiencies noted above with respect to the combination of Thedens and Sherman.

If the Examiner maintains the rejections of the claims under 35 U.S.C. § 103, the Applicants respectfully request clarification on how the cited sections of the references disclose, teach, or suggest the above-mentioned claim limitations and that the Examiner provide a more detailed reasoning to support the legal conclusion of obviousness. *See* KSR Int'l v. Teleflex, 550 U.S. 398, 127 S.Ct. 1727, 1738 (2007) ("[T]here must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.")(citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Accordingly, the Applicants request withdrawal of the rejections of Claims 17-20 under 35 U.S.C. § 103(a). See 35 U.S.C. § 112 ¶ 4.

Independent Claim 21

The all claim limitations standard must be complied with to establish a *prima facie* basis to deny patentability to a claimed invention under 35 U.S.C. § 103. The Applicants respectfully submit that the all claim limitations standard has not been met which will be detailed below.

Thedens relates to an "open system module electronics architecture" (Thedens, Title). Sherman relates to "[a] computer workstation having a window output display for potential use in security-sensitive environments provid[ing] multilevel security by **physical isolation of processes in predefined security levels**." (Sherman, Abstract). *Emphasis added*. Walker relates to a system which provides "authentication logic, decision logic and routing logic." Walker, Abstract).

Independent Claim 21 includes the limitations of "the first processor encodes and encapsulates a data, a data source, and a destination address to generate an encrypted outbound packet, the first processor being configured to append a channel identifier onto the encrypted outbound packet to generate a channel encrypted outbound packet, [and] the first processor being configured to append the data source and the destination address onto the channel encrypted outbound packet and re-encapsulate the channel encrypted outbound packet."

In the combination of Thedens, Sherman, and Walker, the Examiner relies on Walker for the claim limitations of "encapsulates a data, a data source, and a destination address to generate an encrypted outbound packet, the first processor being configured to append a channel identifier onto the encrypted outbound packet to generate a channel encrypted outbound packet, [and] the first processor being configured to append the data source and the destination address onto the channel encrypted outbound packet and re-encapsulate the channel encrypted outbound packet."

Walker does not disclose, teach, or suggest appending the data source and the destination address onto an encapsulated data, data source, and destination address which is re-encapsulated to generate a channel encrypted outbound packet. Therefore, the combination of Thedens, Sherman, and Walker does not disclose, teach, or suggest "encapsulate[ing] a data, a data source, and a destination address to generate an encrypted outbound packet … append[ing] a channel identifier onto the encrypted outbound packet to generate a channel encrypted outbound packet, [and] … append[ing] the data source and the destination address onto the channel encrypted outbound packet and re-encapsulat[ing] the channel encrypted outbound packet."

Further, independent Claim 21 includes the limitations of the "re-encapsulated channel encrypted outbound packet being configured to be able to be decoded by processors assigned to the first security level [and] the re-encapsulated channel encrypted outbound packet being further configured to not be able to be decoded by processors assigned to a second security level."

In the combination of Thedens, Sherman, and Walker, the Examiner relies on Sherman for the claim limitations of the "re-encapsulated channel encrypted outbound packet being configured to be able to be decoded by processors assigned to the first security level [and] the re-encapsulated channel encrypted outbound packet being further configured to not be able to be decoded by processors assigned to a second security level."

Sherman teaches away from encoding the information to be not decodable by another processor by stating "[t]he invention does not compromise security by mixing a software-based security environment … [a]ll security is hardware-based." (Sherman, Abstract). Sherman does

not disclose, teach, or suggest a system where "the encoded information is not decodable by another processor … corresponding to a different security level." In other words, if the encoded information was received by the another processor corresponding to a different security level, the another processor corresponding to a different security level would not be able to decode the encoded information. The Sherman reference relies on physical isolation which is further supported by the "system demands that processes at different security levels be isolated from each other." (Sherman, col. 1, lines 53-55).

Sherman "prevent[s] communication between TCBs of non-equivalent security levels" by "physical isolation". (Sherman, col. 1, lines 53-55 and col. 4, lines 40-41). However, the information transmitted between TCBs can be decoded by processors assigned to different security levels because information may flow between a "node of a lower security to a node of a higher security" based on a need to know. (Sherman, col. 4, lines 47-50). Therefore, a processor at a first security level can decode data that has a second security level protection.

Since the Sherman reference has a processor at a first security level being able to decode data with a second security level protection, the combination of Thedens, Sherman, and Walker does not disclose, teach, or suggest a multi-channel radio where "re-encapsulated channel encrypted outbound packet being configured to be able to be decoded by processors assigned to the first security level [and] the re-encapsulated channel encrypted outbound packet being further configured to not be able to be decoded by processors assigned to a second security level."

Fletcher, and Mahany do not cure the deficiencies noted above with respect to the combination of Thedens, Sherman, and Walker.

If the Examiner maintains the rejections of the claims under 35 U.S.C. § 103, the Applicants respectfully request clarification on how the cited sections of the references disclose, teach, or suggest the above-mentioned claim limitations and that the Examiner provide a more detailed reasoning to support the legal conclusion of obviousness. *See* KSR Int'l v. Teleflex, 550 U.S. 398, 127 S.Ct. 1727, 1738 (2007) ("[T]here must be some articulated reasoning with some

rational underpinning to support the legal conclusion of obviousness.")(citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Accordingly, the Applicants request withdrawal of the rejections of Claims 21-24 under 35 U.S.C. § 103(a). See 35 U.S.C. § 112 ¶ 4.

* * *

Applicants believe that the present Application is now in condition for allowance. Favorable reconsideration of the Application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present Application.

Further, Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent Application and/or any patents or patent applications to which priority is claimed by this patent Application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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